

Recommendation Report for Planning Permission

REF NO:	Y/68/17/PL
LOCATION:	Garage Premises Main Road Yapton BN18 0EA
PROPOSAL:	Alterations & extensions to existing redundant garage building to create 1 No. dwelling & associated works. This application affects the character & appearance of the Main Road/Church Road, Yapton Conservation Area & may affect the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Lean-to sections to front of the existing fire damaged, derelict building removed and replaced with an oak framed single storey extension. The front wall of the original barn will be reinstated and two roof lights in lower section front roof included. To the southwest (rear), the slate roofs will be reinstated to the main barn roof and lower roof. The main barn roof will also include two no high level windows integrating into sloped glazing within the roof slope. 4 no brick quoined slots will be included in the rear wall to add light into the downstairs living area. A new high level window is proposed in the gable end of the roof on the south east elevation which will serve the staircase. Two off street parking spaces are proposed to front with turning to side, small garden area with bin collection to front of that. The site is accessed by foot and vehicle between The old Malt House and Yapton House. There is no back garden as the rear of the site bounds the former Arundel to Portsmouth canal.
SITE AREA	0.03 hectares (95.81m2)
RESIDENTIAL DEVELOPMENT DENSITY (NET)	33 dph.
TOPOGRAPHY	Slopes downwards from rear (south west) to front (north east)
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	None to front, the building abuts the boundary to the rear, 2m flint and brick walls to sides.
SITE CHARACTERISTICS	Derelict single storey former garage premises (originally a barn), the barn is fire damaged and the site has been vacant for more than 2 years. Tarmac driveway to front.

CHARACTER OF LOCALITY

Semi-rural, historic ribbon development of Yapton within a conservation area. The grouping of buildings are heritage assets with some listed buildings and the former Arundel to Portsmouth canal to south. The buildings vary in size from single to two storey and are a mix of residential and commercial with some retail and office uses. The ribbon of development is on the edge of Yapton's built up area boundary and is surrounded predominantly by agricultural land.

RELEVANT SITE HISTORY

Y/12/17/OUT	Outline Application with some matters reserved for the demolition of existing garage/outbuilding & erection of 1 No. dwelling (resubmission following Y/83/16/OUT). This application affects the character & appearance of the Main Road/Church Road Yapton Conservation Area & the setting of a Listed Building.	Withdrawn 25-04-17
Y/2/63/A	Canopy Over Petrol Pumps	Refused 31-07-63
Y/2/63	Installation Of 5000 Gallon Petrol Storage Tank	Approve 01-05-63
Y/17/67	Garage/Workshop	ApproveConditionally 10-05-67
Y/83/16/OUT	Outline application with some matters reserved for 2No. dwellings. This application affects the character and appearance of Main Road/Church Road Yapton Conservation Area	Withdrawn 25-01-17

Two previous applications for conversion to two storey dwelling withdrawn owing to detrimental impact on residential amenity, visual amenity, setting of listed buildings and the conservation area.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

No objection to the principle of converting a disused garage premises to a small detached dwelling conditional upon:

1. Environmental survey to ensure no contaminants from the previous garage repair use remain in the soil/ground.
2. Full consideration and use of sympathetic materials for a conservation area in the construction/refurbishment of the dwelling.
3. Conservation style/appropriate fenestration throughout the dwelling.
4. Satisfactory highway solution for access/egress onto Main Road.
5. Roofline not to exceed the existing building's ridge and eaves heights.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

Pre-commencement conditions regarding contaminated land will be imposed on the application in line with Pollution Officer request.

Submission of materials condition will be imposed in line with Conservation Officer request, including details of conservation style roof lights.

WSCC have no objection in highways terms.

The roofline to be put back in place will match the former (part of building is lost to fire damage) and existing roofline.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Listed Building Officer

Conservation Officer

WSCC Strategic Planning

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Drainage Engineers

Please apply standard condition ENGD2A.

Soakaways must be investigated for surface water disposal.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

Southern Water

Please apply standard informatives.

WSCC strategic planning (Highways)- full comments available on the website.

In summary the LHA do not anticipate that a highway safety or capacity reason for resisting the proposals could be substantiated. The application is therefore in line with policies set out in paragraph 32 of the National Planning Policy Framework in that it would not have 'severe' impact on the operation of the Highway network, and there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application the following conditions should be secured:

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Conservation Officer

The proposal site is a former garage on Main Road, Yapton. The site is to the rear of the Grade II Listed The Old Malt House, and is within Yapton Conservation Area.

The proposal site is visible from the street and thus impact on the character of the Conservation Area. The proposal site is dilapidated, and although the flint and brick walls appear to be extant, the roof is largely missing. The proposals would therefore have little impact on the existing physical form. The proposed scheme is considered an enhancement to the 'backland' setting, and is considered suitable in terms of scale and massing.

There are no objections to this proposal in conservation terms, however due to the visibility from the street scene, it is recommended that details of material finishes be subject to condition.

Environmental Health (Senior Pollution Officer comments)

Please apply the below conditions due to the previous use of the site thanks. Fuel tanks may exist onsite.

ENV3 Universal condition for development on land affected by contamination

Environmental Health position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition: Prior to the commencement of development (parts 1, 2) and prior to occupation (parts 3, 4) approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1.A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2.A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3.The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4.A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies GEN7 and GEN31 of the Arun District Local Plan .

ENV 5 Unsuspected contamination

Environmental Health position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected

contamination shall be dealt with.

Reason

To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies GEN7 and GEN31 of the Arun District Local Plan

ENV 6 Verification report

Environmental Health position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition: Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON

To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies GEN7 and GEN31 of the Arun District Local Plan.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Conditions will be imposed. A cycle storage condition is not considered to be necessary as there will be a store room to front with space for bicycles.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

Conservation area

Lidsey foul water treatment catchment area

Setting of Grade 2 listed buildings (The Old Malt House and Yapton Evangelical Free Church)

Bounds heritage asset Arundel to Portsmouth Canal

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA18	Portsmouth and Arundel Canal
AREA2	Conservation Areas
DEV2	Conversion of Rural Buildings for Residential Use
GEN12	Parking in New Development

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
C SP1 Countryside
D DM2 Internal Space Standards
D DM3 External Space Standards
D DM4 Extensions & Alterations to Existing Buildings
D SP1 Design
ECC SP1 Adapting to Climate Change
ECC SP2 Energy and climate change mitigation
EMP DM1 Employment land:Development Management
HER DM1 Listed Buildings
HER DM3 Conservation Areas
HER DM5 Remnants of the Portsmouth and Arundel Canal
HER SP1 The Historic Environment
QE DM1 Noise Pollution
QE DM4 Contaminated Land
SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary
SKILLS SP1 Employment and Skills
T SP1 Transport and Development
W DM2 Flood Risk
W SP1 Water

<u>Yapton neighbourhood plan 2014 Policy BB1</u>	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy BE1	Protection of existing commercial premises or land
Yapton neighbourhood plan 2014 Policy E10	The former Portsmouth and Arundel Canal
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE:**POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The development is considered to comply with relevant Yapton NDP policies BB1, BE1, E8, E9, E10, E11, HK1 and PK1 for reasons to be discussed in the conclusions section.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Principle

The site is within the built up area boundary where the principle of new development is acceptable in line with saved policy GEN2 and Yapton NDP policy BB1.

The premises have been vacant for over two years (it is understood the building caught fire and was abandoned in late 2015/ early 2016) and is substantially fire damaged requiring substantial and therefore does not offer an attractive use as commercial. As such, although the development will result in loss of employment land, it is considered to be acceptable in this instance owing to abandonment and vacant use in compliance with saved policy DEV2 and Yapton NDP policy BE1.

Visual Amenity, Impact on settings of listed buildings, Conservation area and site of former Arundel and Portsmouth Canal

The development is a modest conversion and would partly reinstate the appearance of the barn as it was prior to conversion to a garage. It is considered the removal of the un-sympathetic lean-to extensions to front and replacement with oak framed extension. The scale of the building will decrease and it will not be made any higher, meaning the form remains similar to existing/original, respecting the setting of the two nearby listed buildings, preserves the appearance of the conservation area, adjoining countryside and would have a limited impact on the former Arundel and Portsmouth Canal.

External material samples and details will be required via condition and overall the development is considered to meet requirements of saved policies AREA2, AREA18, GEN7 & GEN3, emerging policies C SP1, D SP1, D DM1, D DM4, HER SP1, HER DM1, HER DM3 & HER DM5 and Yapton NDP policies

Residential Amenity

The development will have little impact on residential amenity. The scale of the building will decrease and no first floor or high level windows will face neighbouring dwellings that could result in detrimental overlooking. The window serving the staircase on the south west facing elevation (looking over Yapton House's rear garden) will be conditioned to be obscure glazed a fixed shut to a height 1.7m above finished floor level. The development is not considered to lead to any overbearing impact or loss of light to the neighbouring dwellings as it would not be larger than the existing structure.

The use of the site for residential purposes is not considered to lead to a significant increase in noise and disturbance to neighbouring dwellings. Especially considering its former use as a commercial garage which is likely to have been significantly noisier.

The development is considered to be acceptable in terms of impact on residential amenity in compliance with saved policies GEN7 and DEV19.

Amenity standards

The proposed dwelling would meet internal space standards for a three bedroom, two storey dwelling creating 140.02m² of internal floor space. A small private garden to front would be created. Whilst it would not meet the standards for a new 3 bedroom dwelling contained in emerging policy DDM3, the site is located adjacent the Arundel canal and has good access to local open space and countryside. Furthermore, a garden space will be created that is considered to be private and useable. The development is considered to be acceptable in terms of external and internal amenity standards.

Surface Water Drainage

The development will reduce the surface area which would create run-off and create a garden area which would allow surface water drainage. As such, it is not considered reasonable to impose a pre-commencement surface water drainage condition. The development is considered to comply with saved policy GEN9.

Contaminated Land

The site was previously used as a garage and had planning permission granted for an underground fuel tank. As such, the Council's Pollution officer has suggested pre-commencement condition which are considered to be reasonable and necessary and will be imposed. The development is considered to comply with emerging Arun Local Plan policy

Parking and Highways safety

WSCC have not objected to the parking layout or use of the access. The site will provide two off street parking spaces which meets with emerging Arun Local Plan policy TSP1 requirements.

The application is considered to comply with the development plan and is recommended for conditional permission.

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to

be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

1045/DPA01 Revision 01
1045/DPA03 Revision 01
1045/DPA04 Revision 01
1045/DPA05 Revision 01
1045/DPA06 Revision 01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The first floor window on the south east elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1.A preliminary risk assessment which has identified:
all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.

2.A site investigation scheme, based on (1) to provide information for a detailed assessment of

the risk to all receptors that may be affected, including those off site.

3.The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4.A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 5 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 6 Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policy GEN7.

- 7 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with approved plan 1045/DPA03 Revision 1. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

- 8 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 9 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.